

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

GERARD L. ROY,

Civil No. 09-50 DSD/AJB

Plaintiff,

v.

O R D E R

Assistant District Attorney SUE BROWN,
Judge MACKLIN, and SCOTT COUNTY,

Defendants.

Based upon the Findings of Fact, Conclusions of Law, and Recommendation by United States Magistrate Judge Arthur J. Boylan dated February 10, 2009, all the files and records, and no objections having been filed to said Recommendation,

IT IS HEREBY ORDERED that:

1. Plaintiff's application to proceed in forma pauperis, (Docket No. 3), is **DENIED**;
2. This action is **SUMMARILY DISMISSED** pursuant to 28 U.S.C. § 1915A(b);
3. Plaintiff is required to pay the unpaid balance of the Court filing fee, namely \$316.82, in accordance with 28 U.S.C. § 1915(b)(2); and
4. The dismissal of this action is treated as a "strike" against Plaintiff for purposes of 28 U.S.C. § 1915(g).

DATED: March 4, 2009

s/David S. Doty _____
David S. Doty, Judge
United States District Court